

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 98

Introduced by Schimek, 27; Bohlke, 33; Bromm, 23; Crosby, 29;
Dierks, 40; Hilgert, 7; Hudkins, 21; Jones, 43;
Matzke, 47; Dw. Pedersen, 39; Preister, 5; Stuhr, 24

Read first time January 7, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to grandparent visitation; to amend sections
2 43-111 and 43-1802, Reissue Revised Statutes of Nebraska;
3 to clarify visitation conditions; to harmonize
4 provisions; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-111, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-111. Except as provided in ~~section~~ sections 43-106.01
4 and 43-1802 and the Nebraska Indian Child Welfare Act, after a
5 decree of adoption has been entered, the natural parents of the
6 adopted child shall be relieved of all parental duties toward and
7 all responsibilities for such child and have no rights over such
8 adopted child or to his or her property by descent and
9 distribution.

10 Sec. 2. Section 43-1802, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-1802. (1) A grandparent may seek visitation with his
13 or her minor grandchild if:

14 (a) The child's parent or parents are deceased;

15 (b) The marriage of the child's parents has been
16 dissolved or petition for the dissolution of such marriage has
17 been filed, is still pending, but no decree has been entered; or

18 (c) The parents of the minor child have never been
19 married but paternity has been legally established.

20 (2) The death of a minor child's biological or adoptive
21 parent followed by the remarriage of the remaining parent and
22 adoption of the minor child by his or her stepparent does not cut
23 off the relationship of grandparent and grandchild between the
24 minor child and the deceased parent's biological or adoptive
25 parents, and such a grandparent may seek visitation under this
26 section.

27 (3) In determining whether a grandparent shall be granted
28 visitation, the court shall require evidence concerning the

1 beneficial nature of the relationship of the grandparent to the
2 child. The evidence may be presented by affidavit and shall
3 demonstrate that a significant beneficial relationship exists, or
4 has existed in the past, between the grandparent and the child and
5 that it would be in the best interests of the child to allow such
6 relationship to continue. Reasonable rights of visitation may be
7 granted when the court determines by clear and convincing evidence
8 that there is, or has been, a significant beneficial relationship
9 between the grandparent and the child, that it is in the best
10 interests of the child that such relationship continue, and that
11 such visitation will not adversely interfere with the parent-child
12 relationship.

13 ~~(3)~~ (4) The court may modify an order granting or denying
14 such visitation upon a showing that there has been a material
15 change in circumstances which justifies such modification and that
16 the modification would serve the best interests of the child.

17 Sec. 3. Original sections 43-111 and 43-1802, Reissue
18 Revised Statutes of Nebraska, are repealed.